



## Land Development News

County of San Diego  
Department of Public Works  
October 2011

### *Ken Brazell, Project Manager, DPW Review Teams* **Request for an Exception to a Road Standard**

The Department of Public Works (DPW) is responsible for reviewing proposed construction of new roads and connection(s) to existing public roads by private projects. Success of this effort relies, in part, on early identification and effective mitigation of any adverse road conditions or sight distance limitations that are caused or worsened by new development projects. To facilitate consistency in this effort, the County has established Public Road Standards and Private Road Standards. As with most "standards," these standards are not intended to be a substitute for engineering knowledge, experience or judgment, and it is not possible to anticipate all future situations and prescribe standards that work in every circumstance. While the Public and Private Road Standards are applicable to a large majority of cases, there will be situations where exceptions to these standards are appropriate. However, it is the intent of DPW that the highest possible standard be met.

Sometimes specific design or construction problems are not recognized during the review of a project prior to the conditional approval. A project proponent may submit a written request for an exception to a road standard to DPW. Details must accompany the request, including location of the requested exception, alternatives considered, hardship of compliance with standards, cost, estimates and other appropriate justification.

DPW staff will evaluate appropriateness of the requested exception and will recommend an action to the Director. The Director or his designee will review staff's recommendations and make a final recommendation regarding the exception request.

Recommendation for approval of requested exception by the Director or his designee indicates DPW support, but additional actions may be required to affect a change to specific project conditions. In some cases, DPW may forward the exception request to the local planning group for input. The exception process does not eliminate the need for Revised Map, Revised Tentative Parcel Map, Plan Change, or Map Modification; and if necessary additional environmental studies and/or documentation. [NOTE: The Department of Planning & Land Use will compare the existing lot/parcel zoning to the General Plan Update for consistency.]

### *Derek Gade, DPW PDCI Program Manager* **Board Approved Subdivision Process Improvements**

On October 12, 2011, the Board of Supervisors approved Public Work's recommendation to make amendments to the Subdivision and Grading ordinances and two Board Policies. These changes intend to ensure improvements are made timely to address CEQA requirements, simplify extensions and adjustments of the improvement agreements to allow developers to keep them current, and secure the appropriate performance security for each project in order to ensure all the improvements get completed. For detailed information on this action, you can obtain the Board recommendation at the following site:



<http://www.sdcounty.ca.gov/cob/bosa/index.html>

(Choose the October 12 Board date for the regular meeting and review Item #12. One revision to the original recommendation was made on Board Policy I-19. Attached is the Errata that was approved by the Board.)

DPW staff has developed an action plan to implement these approvals. Some of the approvals will have immediate impacts and those are being addressed on current projects in process. Some of the immediate impacts are as follows:

- 1) Requirement for temporary easements on projects moving forward for final map approval
- 2) Allowing Change of Ownership and adjustments of securities for current improvement agreements. (Board Policy I-21)
- 3) New maximum bond reductions (Board Policy I-19)

DPW staff is working on finalizing revisions of templates, conditions, and procedures and initiating internal training. More information will be forthcoming.

If you have questions on this issue, please contact a Private Development Construction Inspection representative at (858) 694-3165 or via email at [grading@sdcounty.ca.gov](mailto:grading@sdcounty.ca.gov).

**Attached:** October 12, 2011 Errata

### ***Jeremy Fantaroni, DPW Watershed Protection*** **Hydromodification Management Plan Requirements**

On January 8, 2011, most Priority Development Projects (PDPs) in the unincorporated portions of the County of San Diego are required to implement hydrologic control measures to satisfy the final Hydromodification Management Plan (HMP) criteria. These new requirements were imposed throughout the region by the San Diego Regional Water Quality Control Board as a condition of Regional Board Order No. R9-2007-0001, NPDES Permit No. CAS0108758 (hereinafter "Stormwater Permit").

The Stormwater Permit allowed for a phased implementation of the HMP requirements by tightening the scope of PDPs subject to regulation over time. From about March 2008 until January 8, 2011, Interim Hydromodification Criteria generally defined PDPs as projects that disturb 50 acres or more. Starting on January 8, 2011, the definition of PDPs was expanded to include most development projects that result in 5,000 or more square feet of impervious surface or 1 acre or more of land disturbance. The definition of a PDP is set forth at Section 67.802 of the County Code and in the SUSMP and Stormwater Permit.

#### ***In general, all PDPs must either:***

1. Demonstrate that the project is not a PDP or demonstrate PDP is exempt based on the final HMP exemption criteria; or
2. Demonstrate the project is grandfathered as a result of the commencement of grading or construction activities prior to January 8, 2011; or



3. Demonstrate the project has prior lawful approval and submit an infeasibility analysis for WPP review and approval; or
4. Demonstrate the private development project has a vested right to proceed without compliance by operation of law; or
5. Comply with current HMP criteria.

Projects not yet complete before January 8, 2011, but under some sort of County review or oversight at that time may possibly, under certain circumstances, be eligible to be excused from complying with current HMP requirements. This could be because the project owner has obtained a vested right as a result of the operation of law or because of some exception authorized by the MS4 Permit or other implementing authority. Please verify with County staff if you believe your project may be exempt from HMP requirements.

*Terry Connors, DPW County Surveyor*

#### **Monument Removal – B&P Code vs. Board Action**

***We are often asked, “When am I authorized to remove a survey monument; either my own or that of another?”***

The California Business & Professions Code Sections 8725 (Necessity of License), and 8764 (Record of Survey), both use the wording “remove” and “removed” in their language.

While it is clearly obvious that when a monument is lost to construction or damaged beyond repair, a licensed land surveyor is well within his purview to replace (remove and perpetuate) the monument and its location under the Code (Reason for Corner Records). The answer becomes less clear in situations when the surveyor disagrees with the location of another surveyor’s existing monument or realizes that he/she set their monument(s) in the wrong location.

The County Surveyor’s office relies heavily on a 2004 State Board of Registration citation issued to an individual surveyor who removed a similar type of monument. While the exact actions are not identified in the citation, the Board makes a compelling argument against removal of a monument by stating: *“The standard of practice is to leave the monument in place, identify it on the survey map, and show its position and relationship has been determined to be the correct location” [Emphasis added]*. This practitioner was additionally ordered to practice land surveying within the standard of practice for the profession.

If you have any questions, please contact Terry Connors at (858) 694-3869, or email at [Terry.Connors@sdcounty.ca.gov](mailto:Terry.Connors@sdcounty.ca.gov).